

MESSAGE NO: 3311113

MESSAGE DATE: 11/06/1992

MESSAGE STATUS: Active

CATEGORY: Antidumping

TYPE: COR

PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE  
MESSAGE #  
(s):

CASE #(s): A-401-603

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 11/05/1992 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: AMENDMENT TO ANTIDUMPING DUTY ORDER OF STAINLESS STEEL HOLLOW  
PRODUCTS FROM SWEDEN (110592 IS FED REG PUBLICATION DATE)

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CASES: A - 401 - 603

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PERIOD COVERED: 11 05 1992 TO

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS  
DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, IMPORT SPECIALIST DIVISION

RE: AMENDMENT TO ANTIDUMPING DUTY ORDER OF STAINLESS STEEL  
HOLLOW PRODUCTS FROM SWEDEN  
(110592 IS FED REG PUBLICATION DATE)

1. THE DEPARTMENT OF COMMERCE WILL PUBLISH IN THE FEDERAL  
REGISTER ON NOVEMBER 5, 1992, THE NOTICE OF AN AMENDED  
ANTIDUMPING DUTY ORDER OF STAINLESS STEEL HOLLOW PRODUCTS FROM  
SWEDEN (A-401-603).

2. THE PRODUCTS COVERED BY THIS ORDER ARE CERTAIN STAINLESS  
STEEL HOLLOW PRODUCTS INCLUDING PIPES, TUBES, HOLLOW BARS AND  
BLANKS THEREFOR, OF CIRCULAR CROSS-SECTION, CONTAINING OVER 11.5  
PERCENT CHROMIUM BY WEIGHT. PRIOR TO JANUARY 1. 1988, THESE

PRODUCTS WERE CLASSIFIED UNDER TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (TSUSA) ITEM NUMBERS 610.3701, 610.3727, 610.3741, 610.3742, 610.5130, 610.5202, 610.5229, 610.5230, AND 610.5231. THESE PRODUCTS ARE NOW CLASSIFIED UNDER HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTS) SUBHEADINGS 7304.41.00, 7304.49.00, 7306.40.10, AND 7306.40.50. ALTHOUGH THE TSUSA ITEM NUMBERS AND HTS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, OUR WRITTEN DESCRIPTION OF THE SCOPE OF THIS PROCEEDING IS DISPOSITIVE.

3. ON OCTOBER 9, 1987, THE DEPARTMENT PUBLISHED ITS FINAL DETERMINATION OF SALES AT LESS THAN FAIR VALUE: STAINLESS STEEL HOLLOW PRODUCTS FROM SWEDEN. THE SCOPE OF THAT DETERMINATION INCLUDED BOTH SEAMLESS AND WELDED STAINLESS STEEL HOLLOW PRODUCTS

(SSHP). ON NOVEMBER 18, 1987, THE INTERNATIONAL TRADE COMMISSION (ITC) NOTIFIED THE DEPARTMENT THAT IMPORTS OF SEAMLESS SSHP WERE MATERIALLY INJURING A U.S. INDUSTRY. THE ITC ALSO FOUND THAT IMPORTS OF WELDED SSHP WERE NEITHER MATERIALLY INJURING, NOR THREATENING MATERIAL INJURY TO, A U.S. INDUSTRY. AS A RESULT, ON DECEMBER 3, 1987, WE PUBLISHED AN ANTIDUMPING DUTY ORDER AND AMENDED FINAL DETERMINATION (CORRECTED FOR CLERICAL ERRORS) ON SEAMLESS SSHP. WE ALSO TERMINATED THE SUSPENSION OF LIQUIDATION ON WELDED SSHP.

ON NOVEMBER 27, 1990, THE UNITED STATES COURT OF INTERNATIONAL TRADE (CIT) AFFIRMED THE ITC'S AMENDED DETERMINATION UPON REMAND THAN AN INDUSTRY IN THE UNITED STATES IS MATERIALLY INJURED BY REASON OF IMPORTS OF WELDED SSHP FROM SWEDEN. ON DECEMBER 7, 1990, IN ACCORDANCE WITH THE DECISION OF THE COURT OF APPEALS FOR THE FEDERAL CIRCUIT (CAFC), THE DEPARTMENT ORDERED THE SUSPENSION OF LIQUIDATION OF WELDED SSHP. AT THAT TIME, WE STATED THAT WE WOULD ISSUE AN ANTIDUMPING DUTY ORDER ON THAT PRODUCT IF THE CIT'S DECISION WAS AFFIRMED, OR NOT APPEALED.

THE CIT'S DECISION HAVING BEEN AFFIRMED BY THE CAFC, ON SEPTEMBER

8, 1992, THE ITC ISSUED A NOTICE OF ITS FINAL AFFIRMATIVE DETERMINATION OF INJURY, MADE PURSUANT TO COURT REMAND, IN THE ANTIDUMPING DUTY INVESTIGATION OF WELDED SSHP FROM SWEDEN.

GIVEN THAT THE CLASS OR KIND OR MERCHANDISE INVESTIGATED BY THE DEPARTMENT INCLUDED BOTH SEAMLESS AND WELDED SSHP, WE ARE AMENDING THE ORIGINAL ORDER (WHICH COVERED ONLY SEAMLESS SSHP) TO NOW INCLUDE WELDED SSHP AS WELL.

4. THEREFORE, IN ACCORDANCE WITH SECTION 736 OF THE ACT, THE DEPARTMENT WILL DIRECT THE CUSTOMS SERVICE TO CONTINUE TO ASSESS, UPON FURTHER ADVICE BY THE ADMINISTERING AUTHORITY, ANTIDUMPING DUTIES EQUAL TO THE AMOUNT BY WHICH THE FOREIGN MARKET VALUE OF THE MERCHANDISE EXCEEDS THE UNITED STATES PRICE FOR ALL ENTRIES OF SSHP FROM SWEDEN. THESE ANTIDUMPING DUTIES WILL BE ASSESSED ON ALL ENTRIES OF SEAMLESS SSHP FROM SWEDEN ENTERED, OR WITHDRAWN

FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER MAY 22, 1987, AND ON ALL ENTRIES OF WELDED SSHP FROM SWEDEN ENTERED, OR WITHDRAWN FROM

WAREHOUSE, FOR CONSUMPTION ON OR AFTER DECEMBER 17, 1990. CUSTOMS OFFICERS MUST REQUIRE, AT THE SAME TIME AS IMPORTERS WOULD NORMALLY DEPOSIT ESTIMATED DUTIES, A CASH DEPOSIT EQUAL TO THE ESTIMATED WEIGHTED-AVERAGE ANTIDUMPING DUTY MARGINS AS FOLLOWS:

MANUFACTURER/PRODUCER EXPORTER	CUSTOMS IDENTIFICATION NUMBER	PRELIM MARGIN PERCENTAGE
SANDVIK, AB	A-401-603-001	2.21
AVESTA SANDVIK TUBE AB	A-401-603-002	34.50
ALL OTHERS	A-401-603-000	2.21

THE WEIGHTED-AVERAGE MARGINS FOR SANDVIK, AB AND "ALL OTHERS" ARE THOSE ESTABLISHED IN THE FINAL RESULTS OF THE THIRD

ADMINISTRATIVE REVIEW FOR SSHP FROM SWEDEN. GIVEN THAT EXPORTS OF AVESTA SANDVIK TUBE AB HAVE NOT BEEN EXAMINED IN ANY ADMINISTRATIVE REVIEW, ITS WEIGHTED-AVERAGE MARGIN IS THE ONE ESTABLISHED IN THE ORIGINAL FINAL DETERMINATION OF SSHP FROM SWEDEN.

5. IF THERE ARE ANY FURTHER QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS. THEY SHOULD BE REFERRED TO THE IMPORT SPECIALISTS DIVISION, OTHER AGENCY BRANCH, CUSTOMS HEADQUARTERS, BY E-MAIL TO ATTRIBUTE "HQ OAB". THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT GARY TAVERMAN, OFFICE OF ANTIDUMPING INVESTIGATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE AT (202) 482-0161.

6. THERE ARE NO RESTRICTIONS ON DISCLOSING THE ABOVE INFORMATION.

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## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party